App. F. IX-4

192 1876

File No. 12 & 1876

Previous References ( )

Serial Nos.

Later References

General and Revenue Secretariat.

Serial Nos.

Part B for

SUBJECT

Rowl Krishna Dass charities (old papers)

Presented by Karma Subbaramachar on 10-4-20

In the Court of the Moonsiff of Mysore
Sub Division

Mysore the 25th day of February 1876

Present V. B. Simmalachar Moonsiff

Small Cause No: 32 of 1876

Plaintiff	Defendants
Karma Subbachar residing in Fort-Mysore	1 Shanbogue Pottiah 2. Patel Ananchay Gon both residing in Sirvanamya Shambanna of Davanahalli hobli of Ashtagram Taluk 3. Shanbogue Pottiah residing in Sirvanamya Bommanah of the said Taluk

Judgment

The Defendants are exparte

The Court has no doubt regarding the truth of Plaintiff's claim

Judgment for Plaintiff for Rs 21-10-6 with costs payable by

Page

by Defendants -

S/o P. Sivmalaiah
Moonsiff —
Mysore Sub-Dn

"Copy"

Ruthnum & Co's
Sheristadar

Date of application 11-9-80

Date when copy was ready for delivery } 14-9-80

Date of delivery to applicant } 29-9-80

11.

Hd of the last
copy

Ruthnum & Co's
Sheristadar
Dist. Judge's Court
Ashee Dn

MYSORE ART
Kiranpost
30 76

9.9.80

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30 [illegible] 187[illegible] [illegible]

[illegible] 262 [illegible] 1876 [illegible]

[illegible]

[illegible] 262 [illegible] 1876 [illegible]

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[illegible]

[illegible]

[illegible]

No. 252/1957

COURT FEE MYSORE EIGHT ANNAS GOVERNMENT OF INDIA

Fees 1-1-6 / 2nd

In the Court of the Munsiff of Nagamangala

Before A. Rungaswamiengar Esqr.

Plff. Subbannadasa vs Deffts. 1. Subbaya Dasa. 2. Parvathi Bhoja

O.S. No. 231 of 1876.

Miscellaneous No. 30 of 1877.

Judgment

In this Suit the Plaintiff sues for the recovery of Rs. 60 being the income of a Vritti in the Inam Vill of Tubagowdanahalli & Budaravanhalli. The income of these villages has ~~accrued since~~ ~~is Vritti of wh~~ Plaintiff has one. He collected 20 and odd from the Shanbogha and Patel by a small Cause suit and files this Suit for the balance.

The Defendants contend that the Plaintiff was bound to live in his house in the Agrahara and as he failed to do so and allowed the house to fall in ruins he is not entitled to recover the emoluments.

The Plaintiff examines a witness to prove that he lived in a portion of his house in Yeva. But this is predecessor

it as a fact on a personal inspection of the agrahar that the Plaintiff had allowed the house to decay and that he had not lived in the house for some years.

The result of this suit must in consequence turn upon the question whether Plaintiff's right to income of the Vritti is contingent on his living in the agrahar or not. And it is desirable for that object to examine the document which was executed at the time the Vritti was granted to Plaintiff's ancestor and the circumstances which gave rise to this charity.

Nowl Kissen Dass an ancestor of the 2d. Defendant wanted to build a temple, agrahar and chutter in Pachimavahini and wanted the two villages for the expenses of the Puja of the temple, the feeding of the Brahamins in the Chutter and for the Inams to be given to the Brahmins living in the agrahar. His late Highness accordingly issued a Nirupa to the

Amildar of Seringapatam on the 8th March 1820, which after Reciting the Circumstances under which it was ajoned directs the Amildar to Villages in the possession of the Sircar as Inams and to Continue them as Inams without let or hinderance and for such inorders that the Charitable objects mentioned above might be Continued uninterrupted for all generations and inorder that the Brahmins might live in Comfort offering up prayers for the prosperity of the Palace.

The next document to be Considered is the Sunnud granted to the Separate Vrittedars and among them principally the one given to the Plaintiffs ancestor. It must be remembered that Lord Kistna Dass seems to have given the incomes to the Brahmins without recating the Sunnuds. The Sunnuds were executed by his grand son Kistna Dass in 1832. The Sunnud executed to Plffs ancestor recites the founding of the Agrahar, temple and Chuttur & the obtaining

of the Inam Villages from his late Highness and says that the Vritti was given in absolute gift in the name of Krishna Dass and that the grantee was to enjoy it as long as the Sun & Moon should endure & that he should possess the power of Sale Mortgage and all the power of alienation. This document is styled a deed of land with a house and tenements. This does not require the residence of the grantee or his Successors to live in the house. All that can be gathered from the document is that a house also was given along with the Vritti. There is no doubt that the original grantor as well as the grantee were under the impression that they would live there for ever. But the gift of absolute power to dispose of the object of gift surely negatives all such conditions are urged for the defence. In the construction of all documents for Inam, we should acknowledge this principle, that the construction to be put upon a deed of gift without requiring any —

to be more liberal than that of documents which require the performance of such service. In this case there is no service worth the name. The only thing required of the Brahmins is that they should pray for the welfare of the Palace. This is a service the performance of which is — or the performance of which is difficult to be ascertained or graded. And then the process of gift-adopted in this instance is one which is only adopted when it is absolute and unconditional. The gift with some money and made by touching of water in the name of Krishna is absolute and purports to have been made without any special reason or future object. And the merit of such gift accrues immediately and is not contingent upon the life or conduct of the recipient after the gift.

The next document to be considered is the letter of H. Late Highness to Colonel Elliot. C. B. Superintendent of Ashtagram dated 1. August 1865. The letter says that the village was given as a free gift to the Defendant for the use of charitable

purposes, the document of so clear
have full power to manage it
for the purposes of conducting the
charitable intentions regularly
and satisfactorily and endowed with a
trust; that the village will be restored
to the Defendants ancestor and
that the Brahmins who had failed
to fulfil the engagements by allowing
the Charitable edifices to decay
by neglect will be divested to ac-
ue to the conditions under which
they enjoy the allowance from the
village. It is not clear whatever
the engagements entered into by the
Brahmins when they got the writing
Brahmins when they got the writing.
They are not specified any where.
His Highness blames the Brahmins
for allowing the Charitable edifices
to decay by neglect. It is not clear
what edifices they are. It is
doubtful if they refer to the houses
which were given in gift. It will thus
be seen that even in this letter
the Vidwan —. by the grantees or their
descendants is no where insisted
upon. Even supposing that the Defts
could call upon the Plaintiff and
persons in his position to keep
the houses"

the houses in Repair, there is no Complaint against him that he has allowed the houses to fall into entire ruin. The Moonsiff found that the house was being Repaired. If anything the Defendant must enforce it by other means than the suspension of allowance the house to do which is nowhere recognized or allowed.

For these reasons there will be a decree in Plaintiff's favor and the amount sued for which is not disputed. The Costs of this suit will be borne by the 2nd Defendant.

7-8-79. (Signed) A. Ramyatswamingar.
Moonsiff.

Compared &c "True Coby"
R Soobuna
Record Keeper.

Coby applied for by Subbanachari 27-5-79
Coby ready for delivery on the 10-6-79
Coby delivered on the ____ "True Coby"
R Soobuna
Record keeper.

$\frac{১২৫}{২০}$

In the Court of the Jud. Asst Comr

Appeal Suit No. 95 of 1879

2nd Defts Appellant

Parvatavarayee

by

Mr Raja Row

vs

Deft. Respt

Koorma Soobramanya

Charry by Mr. Krishna

Iyengar

Judgment

In this case I allowed frequent adjournments pending the decision of a Special Appeal in a similar Case which the Appellants pleader reported had been preferred to the Court of the Jud. Comr. As such Special Appeal has been admitted, and the Proes in Regular Appeal No of 187 which had been called for by the Jud. Commissioner have been returned.

I have accordingly heard the arguments of pleaders on both sides The question now before me is a very simple one depending upon a Construction of terms of the Deeds which to the p

the Vritti, the income of which is now in question.

In Regular Appeal No 8 of 1887 I held that documents which were similarly worded as those now in question did not entail upon the grantee the obligation to reside at Paschimavahini. I have again perused the Sunnad and Kirups granting the Vritti & the Respt and I see no reason to alter my opinion formed in the previous Case.

I hold with the Lower Court that non-residence at Paschimavahini in the house attached to the Vritti, cannot under the terms of the Grant have the Effect of depriving the Respt of the benefit of the Gift made to him.

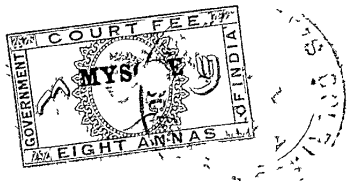
A question of Res judicata is raised by the Appellant at this late stage, but I do not find that the money now sued for was due when the previous Small Cause Suit was

under these Circumstances I
confirm the Munsiff's decree and
dismiss this appeal with C
Mysore
30 March (Sd) V. Sheshadri
1878 Jud. Asst

"Copy"
R Goodeve
Record Keeper

Compd
Ld Copy'd for by Respt on 29
— ready for delivery 20—
~~D— delivered on the~~ by Jamal
R Goodeve
Recd

No. 95 of 77



10

In the Court of the Munsiff Nanjangud Taluk Division
Mysore District

Before A. Rangaswamy Iyengar Esqr
Munsiff.

Mysore dated 9th July 1878.

This case No 247 of 1878.

Plaintiff — Kuruma Subbamma & Chas.

Defendant — Parvati Boye

Judgment.

In a previous case the Plaintiff's right to recover the income of a Vaithi has been decided upon. The 2 defts is the owner and the 1st deft managed it in Bhava. There will be a decree for Rs 80 and costs against both defendants.

"Signed" A Rangaswamy Iyengar,
Munsiff.

(Seal copy).

Copy applied for by the Plaintiff. 22-9-78
Copy ready for delivery 4-9-78
Copy delivered to the Plaintiff. 25-9-78.

I Munsiff Nanjangud Taluk Division
Mysore District

COURT FEE
GOVERNMENT
MY. RE
HEIGHT
U.S. COURT

In the Court of the Moonsiff of Sri T. Sub-Division
Impanel Dist

Before A. Rungaswamy Iyengar Esqr. Moonsiff

Impanel, dated 22 February 1878.

O.S. No 6 of 1878

Plaintiff

Kumma Lakkamachar.

Defendants

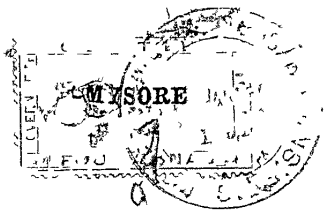
1 Parvathi Bhoye
2 Subbaraya Das.

The defence in the present case is the same as in O.S. No 231 of 76 filed by the Plaintiff this 30 of 77
That decision is pending in appeal
The Court might pass a decree consequent upon that
Judgment

The question at issue between the parties is a dispute about the construction of the Deeds upon the deed of Settlement and it may go up in appeal & Special appeal. But as suggested by the pleader there will be a decree for Rs 80 & costs which will be reversed if this Court decision is finally reversed.

(Signed) A. Rungaswamy Iyengar
Moonsiff.

(True copy)
Copy applied for by the Plaintiff 20-3-78.
Copy ready for delivery 25/3.78
Copy delivered to the Plaintiff 25-3-78



In the Court of the Munsiff of Nuggur Sub. Divn
Mysore Distt.

Before A. Rungaswamy Iyengar Esqr.
Munsiff

Mysore, dated the 26th March 1878.

S. C. No 98 of 1878.

Plaintiff
Kumma Soobunnah Chur. ✓ 1. Mulliah
2. Mulliah
3. Soobraya Dos.

Suit for Rs 20- 0- 0 due for the instalment of Plaintiff's virtthi for December 1877.

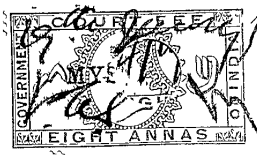
Defence - The Jaghir dar pays the money am not one. There is no privity of Contract or liability between us.

Plaintiff Sol. Affirmed.

I sue for Rs 20 the instalment of pooi vritti due from Defendant as the manager of Parvathi Ammal his wife. The amount is paid by instalments to us the assessments are collected from the ryots.

Judgment:

The Plaintiff's right to vritti has been established by decisions in this case & the holds decrees for vritti emoluments in various years. There will be a decree for



In the Court of the Munsiff
Negoor.

In ye-oir the 15th day off October 1878.
Before. A. Rungasamiengar Esqire Munsiff.

C.S. No 788 off 1878.

Plaintiff.
Koormasoobbamah Karr Iff / Defendants
1 Paro the Poye
2 Soobrayadoff

Judgment

The writtidars are paid by the colle
of assessment according to Government Rents
and the Plaintiff was therefore justified in
claiming for one instalment of 20 Rs in a
former suit. The present suit is not to arrest
The Defendants are to blame for mismanaging
the villages and not collecting the assessments
regularly. There is nothing to shew that they
have used due deligence in the collections. The
former suit for 20 Rs is a sufficient notice
to the Defendants. There will therefore be a decree
for Rs 60 and costs with interest on 60 Rs at 6
per cent from this date.

(Signed) A. Rungasamiengar
Munsiff

"True Copy" W Muthuswamy
Shirastadar

Date of application - 14th January 1882
Date when copy was ready / 19th January 1882
for delivery —
Date of delivery to the applicant / 19th Jany 1882
(Koormasoobbamah Karr Plaintiff)

COURT FEE
MYSORE
EIGHT ANNAS

In the Court of the Assistant Commissioner
Mysore District.

Before. S. Rungaswamy Iyengar Esquire.
Mysore dated 25th September 1878
Civil Suit No. 788—78

Plaintiff
Koormasoobanahllchari.

Defendant.
1 Purvatha Boi.
2 Soobraya Bhat.

Claim — Suit for — Rupees 60 balance of the Writti income due from the Defendants for the year Easwara.

Defence Defendant only entitled to Rupees for his Writti. Plaintiff must sue for the whole income of one year at once & the income is not payable by instalments

The village was under attachments & released only lately. The village has not yet been put in their possession. The revenue has not yet been collected & the Defendants were not demanded for the Plaintiff's dues. He is not entitled to Costs. The attachment was made in May or June.

Judgment

The Writtidars are paid by the collections of assessments according to Government

12

In the Court of the Munsiff.

Sri Srinivasa Bhatta
Protff.

Bangalore Dated 17th January 1879.

64 V

Before G. Raghunatha Rau Esq.
Munsiff.

Civil Suit No: 16 of 79.

Plaintiff
Kurma Subbanachar

Defendant
Parvati Boye

Claim.

For Rupees 20 being the amt
of Vritty due to the plaintiff
for the year Bahudanya.

The defendant is Exparte.

Judgment

for Reply. 20 days' ad-
dequant write Costs.

Costs
Id

Signed
G. Raymond Fisher
Prothonotary.
Supreme Ct. Bristol

Issue Copy

Plaintiff applies for Judgment Com. under 28th January 1929.

Ready for delivery on 29th January 1929.

Delivered on 31st January 1929.

Taylor & Co

Prothonotary
Supreme Ct Bristol

COURT FEE GOVERNMENT OF INDIA MYSORE FOUR ANNAS

Returned to K.C.C.
16/4/89
H.

In the Court of the Munsiff
No: 1 Sub Division. Krishna
District
Krishna. Dated 16th February 89
Before A. Ramaswamy Iyengar Esq:
Munsiff

Civil Suit No: 142 of 89.

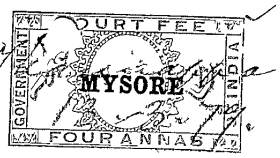
Plaintiff.
M. Subbamachar.

Defendant
Parvati Boye

Defendant Exparte.

Plaintiff Solemnly affirmed

Rs: 20 — are due on account of my writti for the months of January. I swear to it —



Received Feb 16
10 1/2 a.
14.

In the Court of the Munsiff
No: 1 Sub Division. Mysore
District

Mysore. Dated 14th February 79
Before A. Ramaswamy Iyengar Esq:
Munsiff

Civil suit No: 142 of 79.

Plaintiff.
M. Subbamachar.

Defendant
Parvati Boye

Defendant Ex parte.

Plaintiff Solemnly affirmed.

Rs: 20 — — are due on account
of my writti for the months of
January. I swear to it —

Judgment for 20 Rupees

, and costs -

Sd/

"True Copy". A Ramyanamy Mudaliar
Sumsiff

Plaintiff applies for Copy
on the 16" February 1879.
Copy ready for delivery 13.3.79
Do delivered on the 27.3.79.

Mudaliar
Sumsiff

In the Court of the Moonsiff
No I Sub Division Mysore District
Before A. Rungasawmy Iyengar Esquire
Moonsiff

Mysore dated 9th June 1879
Civil Suit No 468 of 1879

Plaintiff	Defendant
Soobanna Chary	Parvathyboy

Re Copy
to pt 11
10/11/88
1881

Claim

Suit for Rupees 40 being balance of Khists Vrittie due to the Plaintiff

The Defendant is ex parte
Plaintiff Solemnly affirmed.

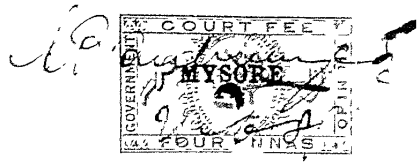
I hold a Vrittie in the Swamanya, Tiruganur and Busanandahully. Income 80 Rs. I have obtained a decree for 2 Khists of 40 R Rs 40 balance is still due.

Judgment for Rs. 40 and Costs

(Signed) A. Rungasawmy Iyengar
Moonsiff

True Copy

Copy applied by Plaintiff 16-6-79
Copy ready on the 17
Copy delivered on 18



In the Court of the Munsiff of Seringapatna Sub
Division Mysore District

Before S. R Soobbaroya Iyer Esq. B.A. Munsiff
Seringapatna, 16th May 1887
Civil Suit No. 99 of 1887

Plaintiff
Koorma Soobbannachar

Defendants
1. Gokula Dass
2 Mukkals

Judgment

There will be a decree for the amount sued for with costs.

(Signed) S. R Soobbarojadyer
Munsiff

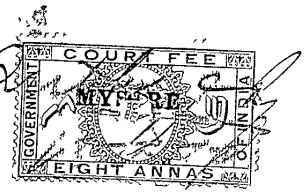
Compared
HS

"True Copy"
S. R Soobbarojadyer
Munsiff

2 words
-0-1-6
-0-4

Copy applied for by plff — 30-4-87
Do ready for delivery 2. 6 8 6
Do delivered on — 22 6

L R



In the Court of the Munsiff of Seringapatna Sub
Division Mysore District

Before Mr S. R Soobbarayaya Iyer BA Munsiff

Seringapatna 22nd March 1880

Civil Suit No ~~45~~ 47 of 1880

Plaintiff
Soobbanna Char

Defendants
1. Parvati Bai
2 Goculadas
3 Mallaiah
4 Mallaiah

Order.

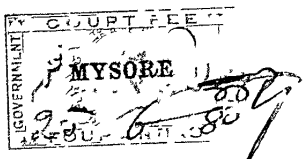
The applicant cannot be allowed to be made a party to the suit and if she has any superior right to the Plaintiff in the virtha she must establish them by a regular suit. The Plaintiff produces the Inam Commissioner's endorsement No 806 dated 20th March 1880 which shows that the virtha is registered in the Plaintiffs name and he is therefore the proper person to sue the Defendants. Application dismissed.

(Signed) S. R Soobbarayaya Iyer
Munsiff

"True Copy" LR

Compared
C.H.

Copy of this order for the Plaintiff to be ready for delivery on 23-3-1880
Rs 5-8-0



In the Court of the Munsiff of Seringapatam & 6
Division Mysore Taluk

Before Mr. T. R. Sooblarayo Iyer B.A., Munsiff

Seringapatam 7th June 1880

Civil Suit No 47 of 1880

Plaintiff

Subbannacharry

Defendants

1 Parvati Bayee
2 Gokul Doss
3 Shanbogue Mallah
4 Mukia son of Lingamma

Judgment

The Plaintiff sues the Defendants for recovery of Rs 20 being the Kist for December last due by the 1st Defendant on account of his share (1/18) in the Inam villages of Terrungamool and Basumahully, Aohtagram Tolug, granted by Nawul Kistnum Doss great grandfather of the 1st Defendant to the grandfather of the Plaintiff Chatrapaniachar. The 2nd Defendant is agent of the 1st holding a general power of attorney from the latter and the 2nd and 3rd Defendants are the Shanbogues of the villages in question.

The defence of the 1st Defendant was:—

[1] That the Plaintiff is not entitled to the Vuritte amount as he does not reside at the agrahar at Pachamalini in accordance with the terms of original grant.

[2] That the suit is not maintainable as the villages are under attachment by the Inam Commissioner.

[3] That one Radhabayee having been registered as the owner of the Vritte in question, the Plaintiff is not entitled to sue.

[4] That the cause of action has not yet arisen as the Kist sued for does not fall due before February or March.

The 3rd and 4th Defendants pleaded they were not liable to be sued, as they are merely servants of the 1st employed to collect the Candayam due from ryots and pay it to the 1st Defendant.

The Plaintiff admitted he does not live at the agrahar at Pachamalini.

The issues raised for trial were:-

(1) Is the Plaintiff bound by the condition of the grant to live at Pachamalini before he can sue the 1st Defendant for rent?

(2) The Inam in question being under attachment by the Inam Commissioner, is this Court competent to entertain the present suit?

(3) Is the Inam Commissioners recognition of Radhabai as the owner of the Vritte binding on the Plaintiff.

(4) Has the cause of action arisen and can the Plaintiff claim rent by instalments as they fall due?

(5) Are the 3rd and 4th Defendants liable to the Plaintiff's suit?

(6) What is the amount of rent due by the Defendant ~~xxx~~ to the Plaintiff?

The Plaintiff and the 1st Defendant have respectively filed exhibits A to G and No. 1 and neither of the parties have examined any witnesses so that the decision of the suit entirely depends on the exhibits filed.

The important issue in the case is the 1st and before proceeding to a consideration of it, it will be more convenient to dispose of the preliminary objections raised in the 2nd 3rd 4th and 5th issues.

2nd Issue. There is nothing beyond the unsupported statement of the Defendant to show that the Inam is under attachment and although I gave the Defendant ample time to produce an authenticated copy from the public records of the Inam Commissioner's office to prove the plea, yet none such was produced. I must therefore hold that this Court is fully competent to entertain the suit.

3rd Issue. In No. 1, the Inam Assistant has no doubt registered the Kuthe in the name of Radababoye but this seems to have been evidently cancelled, as exhibit E which is of subsequent date shows that the registery has been altered to the Plaintiff's name. It therefore becomes unnecessary to dispose of the issue.

4th Issue. The Defendant has adduced no evidence to show that the whole of the Kuthe amount is payable only at the end of the year in one lumpsum instead of in instalments as it is collected from ryots and on former

occasions the Plaintiff has obtained decrees for the recovery of the Vrittee amount. In the absence of evidence to the contrary, the presumption is that the right to sue accrues to the Plaintiff soon after collections are made by the Defendant. The ordinary Revenue Year begins from December and the cause of the present action had therefore properly arisen.

5th Issue. There is no privity of contract between the Plaintiff and the 3rd and 4th Defendants who are the servants of the 1st employed by her for collecting rent from ryots and in my opinion the Plaintiff can have no cause of action against them. The suit as against them will be dismissed but without costs, as the Plaintiff has on former occasions successfully sued them for arrears of the Vrittee amount.

1st Issue. The question involved in this issue has already been, in OS 231 of 1876 on the file of the Munsiff of Mysore (Exhibit D) and in Regular Appeal No 95 of 1877 on the file of the Judicial Assistant Mysore (Exhibit C) finally decided against the 1st Defendant and is by reason of those decisions res-judicata. Exhibit A which is a copy of Judgement in Regular Appeal No 117 of 1876 in which the present 1st Defendant and another of the Vrittidars were the parties also contains a similar finding against the 1st Defendant. In these suits it was distinctly decided that the payment of the Vrittee amount by the 1st Defendant was not contingent upon the Vrittidars residence at the agrahara at Pachamalini and so long as these findings remain in full force, it is not competent to any Civil Court to try the same question over

again. The 1st Defendant however argued that the Inam Department have since these suits have been disposed of reversed these findings (vide No 1) and ruled otherwise holding that the residence at Pachamalai is a preliminary condition which the Vrithidars must fulfil before they can claim any Vrithi amount, and the question for consideration is which of the decisions is to govern the present suit.

Section 21 of the Inam Rules dated 14th December 1867 issued by the Inam Commissioner probably after their approval and sanction by the government of India, though not so stated, and published as a supplement to the Mysore Gazette dated 13th June 1868, declares that after settlement of an Inam has been made by the Inam Commissioner, "it shall not be competent for any Judicial Court of the Province to question the validity of his settlement" and Section 20 provides that on the settlement being made a Title deed under the signature of the Inam Commissioner specifying in it the nature and terms of the tenure shall be furnished to the Inamdar.

Exhibit No 1 which is merely an endorsement granted to the 1st Defendant by the Assistant Superintendent of Inams details the terms of the tenure on which the Vrithidars are to enjoy their Vrithis and imposes certain conditions on them; among which is one requiring each of them to reside at the Agrahar, contrary to the decisions arrived at in the Civil suits referred to above. This endorsement is neither a Title deed nor is signed by the Inam Commissioner and in my opinion cannot have the force of a Title deed

and operate so as to preclude Civil Courts from adjudicating on the question at issue between the parties. Irrespective of this it is doubtful that the Inam rules contemplate any settlement between the Inamdars and their donees and that the rules of the Inam Department whatever may be their binding character as between the Government and the Inamdars or others claiming through them, have the same force as against their donees. Whether this be so or not, the orders of the Inam Department do not themselves seem to be consistent. While No. 1 makes the residence at the agrahara at Pachamalai compulsory, Exhibit E shows that the Chief Commissioner has decided that it is not obligatory on the part of the Plaintiffs to reside at the agrahara but that it is only optional with him to do so.

Holding therefore that the Assistant Superintendent's endorsement No. 1 is not sufficient to annul the findings in exhibits C & D and render the residence of the Inamdars at Pachamalai a prior condition to be fulfilled before they can claim their Tirthi amount, I must find the 1st issue also against the 1st Defendant.

The 6th and the remaining issue in the case related to the amount of the Plaintiffs share as the holder of Tirthi. Under exhibits E & G, the Plaintiffs would be entitled to 1/18 of 503 pagodas and odd or Rs. 80—6—11 but under No. 1 to 1/8 of 192 pagodas

of Rs 69-14-2 as I said before exhibit No 1 cannot
avail the Plaintiffs and I must therefore decree that the
Plaintiffs recover the amount sued for from the 1st
and 2nd Defendants with costs.

Pronounced in open Court.

(Signed) T. Rhoobharoyen Dyer
Munsiff

Compared
T.R.D.

True Copy

Seventh last hour.

Head Munshi

147 words
Fees - 1-6-6
Com - " -5-0
1-11-6

Copy applied for by Plaintiffs — 10-6-80
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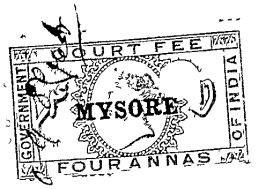

Rs 3-8-0
91

of words

In the Court of the Sub: Judge Mysore

Appeal Suit No: 91 of 1880

Parvathi Bai
Gokool Doss. } Appellants - Defendants

Soobayachar — Respondent - Plaintiff

certified
Payment
Rs 3-4-0
Rs 3-8-0
Copyist

1.10.80

Judgment

From Exhibits B, C, and D, the judgments in former suits between the parties, the question as to the necessity of the Plaintiff's residence in the village is res-judicata, as they establish that the gift to the Plaintiff was absolute and unfettered by conditions as to residence in the village. I therefore concur with the Munsiff in holding that the Plaintiff is entitled to the amount decreed.

Returned 6.10.80

2. But as the 2nd Defendant is merely the manager of the estate on behalf of Parvati Bayi, he cannot be held personally liable. With this modification, the decision of the Munsiff is confirmed. The produce of the village in his hands will be liable

Each party will bear his own costs in

Judgment in A.S. No: 91 of 1880 continued

Page)

in this Court.

3. The decision in this case governing that in Appeal No: 105 of 1880, that Appeal is also dismissed, each party bearing his own costs in this Court

28th September 1880. } Signed S. Sarabhai Row
Sub. Judge

Compd. True Copy
N. Ramachandra
Munsiff
Shenbaden

Copy applied for by Respondent on 30/9/80
Copy ready on 1st Oct 1880
Copy delivered on 1st Oct 1880.
Shenbaden

In the Court of the sub Judge at Impore

Appeal No 105 of 1880

Appellant		Respondent
Parvathi Baye daughter of Naval-Krishna dass residing at Madras	vs	V. Soobana Char son of Rungakattia Char resid. of Fort Impore

Appeal from the decree of the Court of Sermgapatam Munsiff dated the 16th day of July 1880.

Memorandum of Appeal

Kurma Soobana Char Plaintiff

vs.

1. Paravathi Boyee
2. Malliah (Shanboigne)
3. Malliah do.

} Defendants

Appellant and 1st Defendant Parvathi Boyee above named appeals to the Court of the subordinate Judge of Impore — against the decree of the Munsiff of Sermgapatam sub division in Suit No 358 of 1880 dated the 16th day of July 1880 for the following reasons namely:—

1. The case is not res-judicata.
2. Under the original award given to Plaintiffs ancestors and under the final settlement of the Inam Commissioner and under the other decisions passed on the subject it is Clear that the Inamdars are bound to live in the Agraharam before they Claim the

Plaintiff

COURT FEE MYSORE GOVERNMENT OF INDIA EIGHT ANNAS

In the Court of the Munsiff of Seringapatna Sub Division Mysore District

Before Mr S. R. Soobbaroya Iyer B.A. Munsiff

Seringapatna 16th July 1880

Civil Suit No. 358 of 1880

Plaintiff
Soobbana Char

Defendants
1. Parvathi Boyee
2. Malliah Shanboge
3. Mulliah Do

Judgment

This case is similar in all respects to OS No. 4, of 1880 on the file of this Court and the defence is also the same.

The merits of the claim have been gone into and discussed in judgment in No. 47 and the additional documents filed by the Plaintiff and Defendants in this case in no way alter the conclusions arrived at in the other.

Following the findings on the various issues in No. 47, I decree that the Plaintiff recover the amount sued for viz: Rs. 60 with costs.

The Plaintiff has again dragged the 2nd and Defendants unnecessarily to Court against whom he

he can have, in my opinion, no cause of action and the suit as against them must be dismissed with costs.

(Signed) S. R. Doobleyanya Iyer
6 March 86

Compared
S.R.I.
Second Clerk Hall.

"True Copy"

S R Doobleyanya Iyer
Advocate

183 words
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Com - - - - 8
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A Balasuma Mu
Licensed Appeal

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2/8/84

2/8/84

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1880 [illegible]

358

[illegible]

[illegible]

10/11/84

[illegible]

2-3 నెల క్రితం వరకు పనిచేసిన వారి వివరాలు.

ఆర్డర్ ఇచ్చిన తేదీ 16 నవంబర్ 1880

పనికి - ఆకు - కుప్పలు అందులో

కుప్పలో పంచు ఇంట్లోనే లెక్కించి

	1 క్రితం వారం	2-3 క్రితం వారం
1 వారం కూలి	4-8-0	
2 క్రితం పెండింగ్	2-0-0	
3 అదనపు	0-8-0	
4 మొత్తం	7-0-0	

ఈ క్రితం వారం పనిచేసిన వారి వివరాలు ఇందులో వారికి ఇవ్వవలసిన మొత్తం వారికి ఇవ్వకపోతే వారి పేరు ఆకు కుప్పలు లెక్కించి ఇవ్వాలి

పనికి - ఆకు - కుప్పలు అందులో

కుప్పలో పంచు ఇంట్లోనే లెక్కించి

1882 నంబర్

08-7-1882 తేదీన

Court of the Sub Judge Imposse

Appeal Suit No 91 of 1880

1. Paravathi Bai
2. Gokool Das } Appellants - Defendants.

vs

Subbanna Chari - Respondent - Plaintiff -

Judgment

From Exhibits B. C. and D. the Judgments in former suits between the parties, the question as to the necessity of the Plaintiff's Residence in the village, is Res Judicata, as they establish that the gift to the Plaintiff was absolute and unfettered by conditions as to Residence in the village. I therefore concur with the Munsif in holding that the Plaintiff is entitled to the amount decreed.

2. But, as the 2nd Defendant is merely the manager of the estate on behalf of Paravati Bayi, he cannot be held personally liable. The produce of the village in his hands will be liable.

With this modification, the decision

the Immoveff is confirmed, Each party will bear his own Costs in the Court.

3. The decision in this Case governing that in Appeal No 105 of 1880. that appeal is also dismissed, each party bearing his own Costs in this Court.

28th September 1880.

(Signed) V. Saravana Row
Subjudge

Compd. "Time Copy"
K. Rajagopalan
Manager

Examined & Sealed
Registrar

Copy applied for by Respondent on 30-9-80
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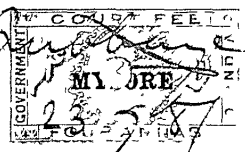
Copy delivered on 15-10-80

Examined & Sealed
Registrar



In the Court of the Munsiff of Seringapatam
Sub Division Mysore District

Before S. R. Subba Raya Iyer Esqr B. A.
Munsiff

Regd No 2066 to 1888
Civil Suit No 9 of 1881

Seringapatam dated 11th January 1881

Plaintiff	Defendant
Kurma Subbanachar	Parvati Boya

Judgment

Decree for the amount sued for with Costs.

Compared "Sd/ S.R. Subba Raya Iyer
Munsiff

"True Copy"

S.R. Subba Raya Iyer
Munsiff

Words 46
Fees 4-1-6
Comp 4-4-4
4-1-10

Copy applied for by Pltff on 22-7-81
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COURT FEE
GOVERNMENT OF INDIA
MYSORE
EIGHT ANNAS

(Signed) S. R. Subbaraya Aiyar
Accountant

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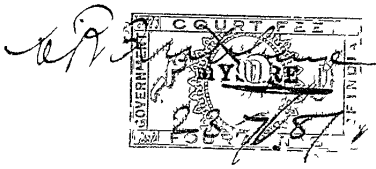

Victoria Hall
10/11th
1881

In the Court of the Munsiff of Seringapatam
Sub-Division Mysore District

Before S^d R. Subba Raya Iyer Esqre B.C.S. Munsiff

Civil Suit No. 92 of 1880

Seringapatam 11th March 1881

Plaintiff
Virma Subbamachar

Defendant
Parvati Boya

Judgment

The claim of the plaintiff not having been opposed by defendant, there will be a decree for the amount sued for with Costs.

(Sd.) S. R. Subba Raya Iyer
Munsiff

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CH

"True Copy"

S R Subba Raya Iyer
Munsiff

Words 60
" 4-1-6

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COURT FEE — MYSORE — GOVERNMENT OF INDIA — EIGHT ANNAS

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G.(8) [illegible] 2 [illegible]

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(Sig) S R. Subbarayadiyer
Munsiff

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Munsiff

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ગુજરાતી વિભાગ

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In the Court of the Munsiff of Seringapatnam Sub
Division Mysore District

Before S. P. Soobbarayaa Iyer Esqr B.A Munsiff -
Seringapatna 13th September 1887
Civil Suit No 470 of 1887

Plaintiff
Rootma Soobbanachar

Defendant
Gotuck Das.

Defendant admits the claim

Judgment

12(a) Decree for the amount sued for with costs.

(Signed) S. P Soobbarayaa Iyer
Munsiff

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Munsiff

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A-R-

52 words
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Judgment
H Eduamurthy
LC.

T. Rama
Com

ಸಿವಿಲ್ ಪ್ರೊ. ಕೋ. 206ನೇ
ಸಿವಿಲ್ ಪ್ರೊಸೀಜರ್ ಕೋಡ್ (1)
13

COURT FEE
GOVERNMENT OF INDIA
EIGHT ANNAS

ಸಿವಿಲ್ ಪ್ರೊಸೀಜರ್ ಕೋಡ್ 1908 ನೇ ಇಸವಿಯ ಆರ್ಡರ್ 47 ರೂಲ್ (1) ಅನ್ವಯ ಪುನರ್ ವಿಚಾರಣೆ ಕೋರಿ ಅರ್ಜಿ

ಮೂಲ ಮೊಕದ್ದಮೆ (1) ನಂ. 470/1887 ನೇ ಇಸವಿಯಲ್ಲಿ ಈ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಇತ್ಯರ್ಥವಾಗಿದೆ.

ಅರ್ಜಿದಾರರು ಮೂಲ (1) ಪ್ರತಿವಾದಿ

ವಿರುದ್ಧ

ಪ್ರತಿವಾದಿಗಳು ಮೂಲ (1) ಫಿರ್ಯಾದಿ

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಈ ನ್ಯಾಯಾಲಯವು ದಿನಾಂಕ 19-3-1888 ರಂದು ಕೊಟ್ಟಿರುವ ತೀರ್ಪಿನ ಪ್ರತಿಯನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

ಮೂಲ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಫಿರ್ಯಾದಿಯು ಪ್ರತಿವಾದಿಯ ವಿರುದ್ಧ ಕೆಲವು ಸ್ಥಿರಾಸ್ತಿಗಳ ಬಗ್ಗೆ ಹಕ್ಕು ಸ್ಥಾಪನೆ ಮಾಡಿ ಅವುಗಳ ಸ್ವಾಧೀನಕ್ಕಾಗಿ ಮತ್ತು ಶಾಶ್ವತ ತಡೆಯಾಜ್ಞೆಗಾಗಿ ಕೋರಿದ್ದರು. ಪ್ರತಿವಾದಿಯು ಆ ಆಸ್ತಿಗಳು ತನ್ನ ಸ್ವಾಧೀನದಲ್ಲಿರುವುದಾಗಿ ಹೇಳಿ ಫಿರ್ಯಾದಿಯ ಹಕ್ಕನ್ನು ನಿರಾಕರಿಸಿದ್ದರು. ಈ ನ್ಯಾಯಾಲಯವು ಫಿರ್ಯಾದಿಯ ಪರವಾಗಿ ತೀರ್ಪು ನೀಡಿತ್ತು. ಆ ತೀರ್ಪಿನ ವಿರುದ್ಧ ಪ್ರತಿವಾದಿಯು ಮೇಲ್ಮನವಿ ಸಲ್ಲಿಸಿದ್ದರು. ಮೇಲ್ಮನವಿಯಲ್ಲಿ ಈ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪನ್ನು ಎತ್ತಿಹಿಡಿಯಲಾಗಿದೆ.

ಈಗ ಅರ್ಜಿದಾರರು ಪ್ರತಿವಾದಿಯು ಮೂಲ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಸಲ್ಲಿಸಿದ್ದ ಲಿಖಿತ ಹೇಳಿಕೆಯಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ್ದ ಕೆಲವು ಸಾಕ್ಷ್ಯಗಳನ್ನು ಪರಿಗಣಿಸಿಲ್ಲವೆಂದು ಹೇಳಿ ಪುನರ್ ವಿಚಾರಣೆ ಕೋರಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದಾರೆ. ಅರ್ಜಿಯಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿರುವ ಸಾಕ್ಷ್ಯಗಳು ಮೊಕದ್ದಮೆಯ ತೀರ್ಪಿಗೆ ಅತ್ಯಗತ್ಯವಾಗಿದ್ದವು ಎಂದು ಅರ್ಜಿದಾರರು ವಾದಿಸಿದ್ದಾರೆ.

ಆದರೆ ಪ್ರತಿವಾದಿಯು ಮೂಲ (1) ಅವರು ಸಲ್ಲಿಸಿದ್ದ ಲಿಖಿತ ಹೇಳಿಕೆಯಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ್ದ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಪರಿಗಣಿಸಿಲ್ಲವೆಂಬುದು ಸರಿಯಲ್ಲ. ಅವುಗಳನ್ನು ಪರಿಗಣಿಸಿಯೇ ತೀರ್ಪು ನೀಡಲಾಗಿದೆ. ಆದ್ದರಿಂದ ಪುನರ್ ವಿಚಾರಣೆ ಕೋರಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ಯಾವುದೇ ಕಾರಣಗಳಿಲ್ಲ.

ಆದ್ದರಿಂದ ಈ ನ್ಯಾಯಾಲಯವು ಅರ್ಜಿಯನ್ನು ವಜಾ ಮಾಡಿದೆ.

ಸಹಿ/-

ಸಹಾಯಕ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಸಹಾಯಕ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು ಮೂಲ (1) ಅವರಿಂದ ಸಹಿ ಮಾಡಲ್ಪಟ್ಟಿದೆ.

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಹಿರಿಯ
ಶಾಖಾಧಿಕಾರಿಗಳು ಸಂ. 207
ಸಹಕಾರಿ ಸಂಘಗಳ ಕಚೇರಿ, ಬೆಂ.
13

GOVERNMENT COURT FEE INDIA
EIGHT ANNAS

ಇವರಿಗೆ,

ಸಹಕಾರಿ ಸಂಘಗಳ ಉಪನಿಬಂಧಕರು
ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಸಹಕಾರಿ ಸಂಘಗಳ ಕಾಯಿದೆ 1959 ರ ಕಲಂ 70 ರಡಿ ವಿಚಾರಣೆ ಕೋರಿ ಅರ್ಜಿ.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಈ ಕೆಳಕಂಡ ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯನ್ನು ಲಗತ್ತಿಸಿ ಕಳುಹಿಸಿಕೊಟ್ಟಿದೆ. ಅರ್ಜಿಯಲ್ಲಿ ಕೋರಿರುವಂತೆ ಸಹಕಾರಿ ಸಂಘಗಳ ಕಾಯಿದೆ 1959 ರ ಕಲಂ 70 ರಡಿ ವಿಚಾರಣೆ ಕೈಗೊಂಡು ಸೂಕ್ತ ಆದೇಶ ಹೊರಡಿಸಲು ಕೋರಿದೆ.

ಅರ್ಜಿದಾರರು

1. ಶ್ರೀ ಎಂ. ಕೃಷ್ಣಪ್ಪ
2. ಶ್ರೀ ಎಂ. ಮುನಿಯಪ್ಪ
3. ಶ್ರೀ ಎಂ. ಮುನಿಸ್ವಾಮಿ

ಎದುರುದಾರರು

1. ಶ್ರೀ ಎಂ. ಚಿಕ್ಕಣ್ಣ
2. ಶ್ರೀ ಎಂ. ಚಿಕ್ಕಣ್ಣ
3. ಶ್ರೀ ಎಂ. ಚಿಕ್ಕಣ್ಣ

ಈ ಪತ್ರದೊಂದಿಗೆ ಅರ್ಜಿ ಮತ್ತು ಅದರ ಲಗತ್ತುಗಳನ್ನು ಲಗತ್ತಿಸಿದೆ.

ಇಂತಿ ನಿಮ್ಮ ವಿಶ್ವಾಸಿ,

ಹಿರಿಯ ಶಾಖಾಧಿಕಾರಿಗಳು

ಸಹಕಾರಿ ಸಂಘಗಳ ಕಚೇರಿ, ಬೆಂಗಳೂರು.

ಸಂಖ್ಯೆ: ಸಕಾಸಂ/ವಿ/ಕಲಂ 70/1887/87-88

ದಿನಾಂಕ: 13/10/1987

Returned 10/11/87

ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ ನಂತರ ಅರ್ಜಿದಾರರು ಸ್ವತಃ ಹಾಜರಾಗಿ ಅರ್ಜಿಯನ್ನು ಹಿಂಪಡೆಯಲು ಕೋರಿರುವುದರಿಂದ ಅರ್ಜಿಯನ್ನು ಹಿಂಪಡೆಯಲಾಗಿದೆ.

ಸಹಿ/-
ಸಹಕಾರಿ ಸಂಘಗಳ ಉಪನಿಬಂಧಕರು
ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು.

ಸಂಖ್ಯೆ: ಸಕಾಸಂ/ವಿ/ಕಲಂ 70/1887/87-88 ದಿನಾಂಕ: 13/10/1987

ಮೇಲ್ಕಂಡ ಪತ್ರದ ಪ್ರತಿಯನ್ನು ಈ ಕೆಳಕಂಡವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಕಳುಹಿಸಿಕೊಟ್ಟಿದೆ.

1. ಶ್ರೀ ಎಂ. ಕೃಷ್ಣಪ್ಪ
2. ಶ್ರೀ ಎಂ. ಮುನಿಯಪ್ಪ
3. ಶ್ರೀ ಎಂ. ಮುನಿಸ್ವಾಮಿ

ಸಹಿ/-
ಹಿರಿಯ ಶಾಖಾಧಿಕಾರಿಗಳು

(Signed) V. A. Lobbarayan Jye

Judge

26-10-87

2-11-87

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Before the Court of the ...

Sub-Divisional Officer

Present S R. Subba Rayudu ... J. ...

Plaintiff

Arumugam Subbanachari

Defendant

Ramathi Ayyar
2 others

Judgment

Defendant admits the amount claimed to be due but states he has not yet made collections.

Decree will accordingly be passed for the amount sued for with costs against the person and property of the 1st defendant.

As the 2nd defendant has no direct interest in the suit except that he is an agent of the 1st the suit against him will be dismissed but without costs.

The aggregate amount above decreed against 1st defendant will bear interest from this date up to date of payment at the rate of 9 per cent per annum.

3-8-82 Signed S R. Subbarayalu Ayyar
Sub-Divisional Officer

Compared Copy
2-9-82

Sub-Divisional Officer

3-9-86 & 19-10-86

R. Rs 10000 86

P. ff.

1-15-8
4-8
3-4-4

O.S. No. 356 of 1886 + 357 + 358

In the Court of the Munsiff at Mysore

Present. Nitmash Knight Esqre Munsiff.

Plaintiff

Subbramanyappa

Defendant

Gokuldas agent of Parvathiboye.

Judgment

Suit to recovery Rs 302-12-9 from the defdt. The plaint is as follows:-

I The plaintiff has a right to the 1/18 th share of the revenues of the Survamanya villages of Surgawoor and Basavanahalli in the Tirumkudlu Narsipur Talook.

(2) The defendant is the manager of the villages

(3). The defendant is liable to pay to the plff by the end of March of every year a sum of Rs 81-7-2 being the plaintiff's share of the revenue of the said villages.

(4). The defendant has failed to pay to the plff the said sum for the years Bhitrabhanu (1882/83) Subhanu (1883-84), and Tarana (1884-85). Hence the suit.

(5) The plaintiff is entitled to have interest on the amount withheld by defendant.

Defendant pleaded as follows:-

The Revenues for Bhitrabhanu have been attached and defendant is not therefore liable for that year. Defendant is willing to pay plaintiff's 1/18 th share the

Copy of Judgment in S. Nos 356, 357 & 358 of 1886 on the file of the Mysore Munsiff's Court (continued).

two years Swabhanu and Saran als which amounts to Rs 37 & odd a year. Plff was offered this sum by defendant which he declined saying he wanted at the rate of Rs 80 which he is not entitled to - not liable for costs.

4 The Suit came on for issues on 24th June 186. Rm Krishna Iyengar appeared for the plff & Rm Raghavachar for the defendant.

5. The following issues were settled:-

I Will plaintiff be entitled to recover any revenue for the year "Chitrabhanu" and if so what sum?

II In what sum is defendant liable for the other two years Swabhanu and Sarvanals?

Additional issue: III Is defendant estopped by the previous judgments against him from putting in his present defence?

6. The Suit came on for final hearing on 9th August, 23rd September 24th & 30th September 186. The parties appeared as before. Plff examined 2 witnesses and defendant 6.

7. The following Exhibits were filed

I By Plaintiff.

Exh. A. A Takeed issued by the defendant to the Shanbcong and Potail of Basavanahally.

B. A Puttay showing the collections for Chitrabhanu.

C. A copy of a Summad dated 15th (Full-moon) of Karthika of the year Nandana.

D. Summad given to K. Subbannachar.

Copy of Judgments in C.S. Nos 356, 357 & 358 of 1886 on the file of the Mysore Munsiff's Court (Continued).

Subramaliah.

E to J. Notices sent to the defendant by post and returned.

K. Copy of Judgment of this court in S.C. No 32 of 1876.

L. Do — Do O.S. 231/76
This 30/77.

M. Copy of Judgment in As. 95 of 77 on the file of the Judicial Assistant Commissioner's Court Mysore.

N. Do in O.S. 6 of 78 on the file of this court.

O. Do in O.S. 47 of 80 on the file of the ~~Sub-Judge's Court Mysore~~ Seringapatam Munsiff's court.

P. Do in As. 91 of 80 on the file of the Sub-Judge's court Mysore.

Q Do in O.S. 358 of 80 on the file of the Seringapatam Munsiff's court.

R. Do in As. 91 of 80 on the file of the Sub-Judges court Mysore.

S. Do in O.S. 288/78 on the file of this court

T Do in S.C. 98/78 do — do.

U Do in O.S. 497/82 on the file of the Seringapatam Munsiff's court.

V. Do in O.S. 16 of 79 on the file of this ~~court~~ court.

W. Copy of Judgment in O.S. 142/79 on the file of this court.

X Do in O.S. 468 of 1879 on the file of this court.

188 on the

Copy of Judgment in Cl Nos 356, 357 & 358 of 1886 on the file of the Sypore Munsiff's Court (Continued).
produced by defendant.

1st Issue " Issue

The Revenues for the year Chitrabhanu have been attached under a warrant issued by the Court in execution of decrees obtained by some of the Virthidars including the pltff for their share and a Receiver has been appointed by the Court for the purpose of collecting the dues and paying the decreeholders. The Sums thus attached were not due to the defendant personally and I think the defendant ought to have taken the necessary steps to have had the attachment raised; this the defendant Parvathiboyee and her agent Gokuldass have failed to do. I am of opinion that since the attachment was issued to satisfy claims against the defendant for previous years dues for which the defendant was personally liable, the Virthidars will not be debarred from recovering their respective dues from the defendant for they cannot be made to suffer for the defendant's laches. I was of opinion at first that since the Court had issued the attachment the plaintiff would not be able to recover the amount due from defendant but on further consideration I am led to conclude that the plaintiff has a good Cause of action against defendant. If the order of attachment was bad in law it was the duty of the defendant to have sought to have it set aside and if she failed to do so, she must abide the result. Taking this view I would hold that the plaintiff is entitled to recover his 1/18 share of the revenues for the year Chitrabhanu from defendant. The amount has now to be determined. The total amount recoverable on account of Cowl dayem for the two villages for the above

Copy of Judgment in C.S. Nos 356, 357 & 358 of 86 on the file of the Mysore Munsiff's Court (continued).

above year is shewn from the commissioner's statement III to be Rs 1057-15-6 out of this sum Rs 92-3-5 are paid to Government on account of local cess leaving a balance of Rs 965-12-1. The expenses are shewn as Rs 267 as follows. Rs 60 for the agent, Rs 48 for a goomasta, Rs 60 for the Shanbogues, Rs 42 for the Potails, Rs 36 for a peon, Rs 5 for contingencies and Rs 16 for Ramabhandrabhavy. With so large and established an income one would expect that detailed accounts with full particulars would have been forthcoming and that there would have been no doubt left as to what the net income was; but I find this not to be the case. The statements furnished to the commissioner appear to have been prepared after the suit was filed and the whole business of the villages appears to have been managed in a most unsatisfactory manner. The men employed have done nothing in my opinion fairly to entitle them to any remuneration and since defendant is responsible to render proper accounts to the Vrittidars which has not been done, I would disallow the entire amount under the above heads debited against the income on account of expenses. The fixed revenue was Rs 81-7-2 but there has been a fall in this of late years and the evidence shows that a road was constructed over a portion of the lands and there is no income now derived from the toddy. The Shanbogues who prepared the accounts admit that the amount shewn is what was actually collected and the defendants advocate stated that his client was willing that a panchayat of the villages should be made and if the income was found to be in excess of what was now given, she would pay the

be d

Copy of Judgment in Suit Nos 356, 357 & 358 of 1886 on the file of the Mysore Munsiff's Court (continued).

this Case.

The evidence adduced by the parties in this (No 356) as well as in Cases Nos 357 & 358 is the same and by ~~consent~~ consent the three Cases were tried together; the Claim being for of the income for the same years in all the Cases the Judgment will be the same.

In result there will be a decree for the plaintiffs in Cases Nos 356, 357 & 358 of 86 for Rs 199-9-10 each against the defendant with proportionate costs and future interest at 6 per cent per annum.

Mysore 13th October 1886.

(signed) J. W. Knight Munsiff

Pronounced in open Court.

(signed). J. W. Knight Munsiff

~~13-10-86.~~

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True Copy

Compared by

Judgment No. 298/1886.

Before the court of the Subordinate judge
Mysore

Present— C. Srinivasaiengar Esqr.
Sub-judge.

Plaintiff & appellant
Subramaniappa

—Vs—

Defendant (Respondent)
Parvathi Boyee, by her
agent Gokuldoss.

1. Suit to recover Rupees 302-12-9 from the deft

2. The plaint is as follows:—
(I). The Plaintiff has a right to 1/18th share of the Revenues of the Suvarnavathi Village of Iwaganoor and Basavanahalli in the Hiriyur Kodal Narasipur Hobli
(II) The deft is the manager of the villages.
(III) The deft is liable to pay the plff by the End of March of every year a sum of Rs 81-7-2 being the plff's share of the Revenue of the said villages.
(IV). The deft has failed to pay him the said Sum for the years Chitrabhanu (1882-83), Swabhanu (1883-84) and Tarana (1884-85). Hence this Suit.
(V) The plff is entitled to have interest on the amount with-held by deft.

3) deft pleaded as follows:—
The Revenues for Chitrabhanu have been attached and deft is not therefore liable in respect that year's claim. deft is willing to pay plff's 1/18th share of the net revenues of the village for the two years Swabhanu and Tarana which amounts Rs 37 and odd a year. Plff was offered this Sum by deft which he declined saying he wanted at the rate of Rs 80 ~~a year~~ which he is not entitled to.
Not liable for costs.

4. The following issue were settled.

I. Will Plff be entitled to recover any revenue for the year Chitrabhanu and if so What Sum?

II. In what Sum is deft liable for the other two years Swabhanu and Tarana?

III. Additional Issue. Is deft estopped by the previous judgments against him from putting in his present defence?

5. The munsiff of Impose passed a decree for Rs 199-9 in Plff's favour.

6. Appellant (Plff) appeals on the following grounds:-

I. That in the previous suits the deft having been adjudged to pay Rs 80 a year as her admitted that only 70 Rs were due, the burden of proving that the income for the years in suit was less, lay on the

II. That the lower Court having found the deft's accounts to be unsatisfactory ought to have decreed the Plff's claim in full with costs.

III. That the accounts are false and were concocted after the institution of Plff's suit; they contain no details, and their agency is such as to prevent as the accounts of the previous years where with they might be compared and checked were not produced.

IV. That the appointment of a Commissioner was unnecessary and useless as all that the functionary did was simply to see whether the figures were correctly added up or not.

V. That the report of the commissioner cannot be adopted as he issued no notice to Plff nor were the accounts examined in Plff's presence

VI. That the Lower Court erred in giving Plff's objection Statement.

VII. That the several items of expenditure shown are

VIII. That the deft failed to prove res judicata.
IX. That the judgment of the Lower Court is opposed to the evidence on the record as there were decisions between the same parties regarding the same matter.

7. The Respondent (deft) filed the following memo of objections (Res No 325 of 86).
I That the lower court is wrong in directing the deft to pay to the Pltff his share of the revenues for the year Chitrabhanu.
II That the lower court has erred in disallowing the Expenses incurred in managing the villages.
3. There are 18 Vrittis in the 2 villages in question but the power of management rests & exists with the deft. He answered it who gave away all the Vrittis but one which he retained for himself, reserved to himself the right to manage the villages, to make collections therein and to pay the Vrittidars what they were severally entitled to. In O.S. No 2 of 1876 on the file of the Court of the Ashtagram Division, the deft contended in answer to a claim advanced by some of the Vrittidars that they had no right to make any collections direct as the right was vested in the grantee of the whole villages, and that they were only entitled to look to him for payment this contention prevailed (see the judgment in that suit filed with the record). Not being allowed to interfere with the management of the villages or to make collections, the Vrittidars were not in a position to know anything about the increase or decrease of the revenues of the villages. What lands have been thrown up, what lands have been newly taken up and what old sources of income have failed, and what

into Existence, the

[illegible] of which the Vrittin-
[illegible] to be expected to blame any Receiver for
the effect in [illegible] of her Exclusive right to
manage the Villages and make collections.
It is thus a question of trust & responsibility
The above are matters peculiar within her
knowledge. the Vrittindars have a right to call
upon her to pay them what they have been paid
in previous years, or to shew by reliable accounts
and Statements why evidence that the income
has diminished and that there should therefore
be a reliable reduction in the payments due
to them. In my opinion, Section 17 of the
Evidence Act applies to this case. The burden
of proof lies on the deft. No accounts either of
collections or of Expenditure were produced.
Some statement which the Lower Court
rightly considered to have institution of the
suit, were put in and that was all. They
are in my judgment no legal evidence.
At any rate they are worth next to nothing.
The accounts from which they were prepared
ought to have been produced but were not.
The Shanbogues Swore that the figures given
in the Statements were correct but this was
evidence but worth the name. Either the
deft has been guilty of gross carelessness
and mismanagement, or the accounts have
been wilfully suppressed. In either case, it
appears to me clear that the deft must take
the consequence. In all the Suits filed in pre-
cisely each Vrittindar was held entitled

of the [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
of the [illegible]
know the [illegible]
[illegible]
[illegible]
are willing to [illegible]
[illegible] in default [illegible]
[illegible] was the actual [illegible]
village. [illegible]
observance of [illegible]
[illegible] Sections, I must [illegible]
depreciation [illegible]
[illegible], is the amount which [illegible]
to for Each of the 3 years in suit, so called upon the pl
to prove the actual collections would be to require it
to do what is not possible.

It is true that the deft through her advocate off
that the Vaithidars might have a jama running
in these villages. Such a jama abundantly would
has affect prospective revenue and not the
revenue of past years.

10 In her memo of objections the deft was to have
The Lower Court failed to take certain items of
Expenditure into consideration. But I find that the
deft has not moved that issue be legitimate to
charges binding upon the Vaithidars which was being
payments of 80 Rs to Each Vaithidar which was being
[illegible] was not the reason [illegible]

[illegible] the Lower Court from making collection in the [illegible] Chettiar. That amount would be due [illegible] the instance of the present plff and of other [illegible] Chettiars who had obtained decrees against [illegible] for amounts of the previous years due to them. In spite of this prohibition the deft made [illegible] in Chitrabhanu. Now she can be compelled by the plff and other Chettiars for that year, her forced abstention from making collections notwithstanding fail to understand. It is time that the deft had defaulted in the matter of the payments due for previous years. But the Chettiars should have proceeded against her person and property and not have prevented her from making future collections. There is in my opinion no liability attaching to the deft independently of the making of collections by her. If through negligence she failed to make collections or if she failed to account to the Chettiars for collections made by her, she would be answerable. But not if she is altogether prohibited from making collections, and that too at the instance of the persons who seek to recover from her.

12. Both the appeal and the memo of objections are thus partially entitled to succeed.

13. In modification therefore of the Lower Court's decree I resolve to pass a decree for the plff for Rs 160-0-0 (Principal for 2 years) and Rs 28-12-9 (Interest thereon) in all Rs 188-12-9 with proportionate costs in both courts. Also for current interest at 6 per cent from the date of suit to the date of payment. The deft's costs in both courts on the claim disallowed shall be paid by the plff.

24-1-87.

(Sd). C. Srinivasa Iyengar
Sub Judge.

Presented by
Kurma Subbammachar
on 10-4-20

COURT FEE
GOVERNMENT OF INDIA
MYSORE
EIGHT ANNAS

In the Court of the Asst. Commr
Mysore District.

~~Regular Appeal No. 47 of 1876~~

Timmarangar — Plaintiff & Appellt

~~Vs~~

Parvate Urge — Defendant & Respt

Judgment

This an appeal against the judgment of the Munsiff of Mysore in O.S. No. 1310 of 1876 dismissing the Plaintiff's suit for the recovery of Rs. 70, being the rent of certain Inam lands for the year Guru 1875-76, recovered from the Defendant (Respondent) and not paid to the Plaintiff.

The Lower Court after reference to the terms of the deed of gift under which the Plaintiff's Claim is founded that it is pending on the holders of the "Vritteas for the time being to reside "in the Agrahar built by a Mooslim "Nissem Bass and presented to the

1875
Arguments
Mr Krishnayya
for Appellt &
Mr Raja Rao
for Respt

the present Respts + not Krishnamakka Dass is the proper party entitled to their possession + management upon the other grounds of this abbeal, I am of opinion that the abbellant has a good case.

It abbeals from the documents filed in the evidence that H. H. the late Maharaja about the year 1819/20 granted certain Villages and lands as Inams to Nowl Kisten Dass grandfather of the Respts. The object of this grant abbeals to have been to enable Nowl Kisten Dass to maintain certain charitable institutions, namely a Chattrum, a temple and an agrahar at Pachimavatani. The agrahar with which only we are now concerned for the purpose of this suit, consists of a number of houses built + given as gifts to Vadiar Bralmins. A fixed portion of the income of the Inams obtained from H. H. was constituted into a Vritti and assigned in perpetuity to each of the Owners of the houses. There abbeals to be 18 such Vrithies. One of them was given, as an absolute gift by the Respondents father Krishna Dass on 8th November 1832 to the Deity worshipped in the Pachimavathani Mutt. The deed of the gift is filed with the proceedings and

to sell, give or encumber the subject
of the gift. It imposes no Condition or
obligation of any kind upon the Donee.
It surely does not require the
Swami to reside at Kachimavahan.
The gift is for all practical purposes
in favour of the Parakaladawami
who in 1833 gave to the Plaintiffs
father the identical Vrotti which
he obtained from Krishna Deva
in the previous year. This deed of
gift is also filed with the Proceedings
and it does not impose any Con-
dition of Residence at Kachima-
vahani. In 1850/51 the then
Parakaladawami observes, to have
rectified the gift to Plaintiffs
father, & then also no restriction
was imposed. Thus I am unable
to find from the documents before
me that Residence at Kachima
vahani was ever required from
the Plff or his father. The original
grant from H. H. as recited in the
Deed of gift in favour of the Parakala
dwami required how Kavalu Dass
to cause Brahmins "to pray for the
prosperity of the Palace" whether
it required anything more I have
no means of ascertaining.
Apart from the terms of the Deed
of gift, there can be obligation on the

Donee"

Brahmins and the Religious & Char
institutions Constituting the hon
Vrittidars in order that they may
claim the annual stipend, name ly
Rs. 70 each due to them" after examining
this opinion of the obligation of the
Plaintiff and after finding as a
matter of fact that the Plaintiff
not for several years past lived
in his house at the Agraharam at
the Pachiyappa's, the Lower
Court has held that Plaintiff
no right to bring this suit.

Against this decision this appeal is
preferred on the grounds inter alia, that
Lower Court has erred in its opinion
regarding the terms of the gift to
Plaintiff and that the decision
is opposed to the decree in O.S. No. 140
of 1875 between the same Plaintiff
and one Krishnamachariar Dass —
Managers de facto of the Main Village
in question.

The Decree in O.S. No. 140 of 1875
does not in my opinion govern this
case, for by reference to the judgment
in O.S. No. 3 of 1869 on the file of the
S.C. of the Astagram Division, it
that K. Srinivasachariar Dass was
rightfully in possession of the Vil
estion and that Pa

(e) Dancer to reside at Pachimavakam.

Even if the deed required such residence it would be extremely inexpedient to enforce it as a condition precedent to the enjoyment of the Vritti. Such strict adherence to the terms of the grant is nowhere exacted and were it otherwise all the Inams in existence would have lapsed to Government. But this is a matter which properly belongs to an enquiry into questions between the Government and Inamdars of an Inam.

As there is nothing to shew that the Respt. has forfeited his right to the enjoyment of the Vritti, and as the amount claimed has not been disputed, I reverse the decree of the Court below and direct the Respondent (the Deft.) to pay to the Appt. Rs 70 with costs in this & the Lower Courts.

(Signed). H. Shankaduck
Jud. Asst Commr

True Copy
Postmaster
Sampon

Cause No
427-5-7
2-6-

Decided for the
for delay
Decided 59

RE

In the Court of the [illegible]

dated 13th December 1961

Between [illegible]

and

[illegible]

C.S. no: 471 of 1961.

Plaintiff — Kwisthamma. — Defendant

Plaintiff sings by his Counsel Mr. Ghai Esq.

Defendant says that only Kshs 70 per annum and not the sum claimed is due to Plaintiff, that there has been a decree of the Judicial Assistant Commissioner Kajiado dis. to this effect and that he did not make any payment to Plff as the Asst Commissioner has issued order not to make any such payment to him -

Paragraph 2 by

To sustain the pleas of the Defendant he has not produced either a copy of the decree of the Judicial Assistant that Kshs 70

Words 210

Synonyms — 4 — 6

Antonyms — 1 — 5 — 6

COURT FEE GOVERNMENT MYSORE OF INDIA EIGHT ANNAS

O.S. No 498 of 1882

Before the Court of the Munsiff of Srirangapatna
Sub Division Mysore District

Present:- S. R Sobbaraya Iyer BA Munsiff

Plaintiff
Krishnamma
by Samanna

Defendants
1. Parvathe Boyee
2 Gokul Do
2nd defendant in person for himself
and 1st deft.

Defendant admits that only Rs 70 is due to plaintiff and not Rs 81-0-3 as claimed.

Plaintiff pleades in reply to the defence files ex A of judgment in O.S. No 471 of 1881 wherein the plea now put in was decided against him.

Defendant has no evidence even now to prove his plea

I therefore decree that the plaintiff recover the amount sued for with costs against the 1st defendant with interest on the whole aggregate amount at 9 per cent per annum from this day upto date of payment.

2nd defendant being merely an agent of the 1st, the suit against him will be dismissed.

3-8-82

(Signed) S. R Sobbaraya Iyer
Munsiff

Compared
SH

True Copy
Munsiff

152 words
Fees - 3 -
Com - - 8

We by applied for by pltff's pleader Samanna 9-8-82
Ready for delivery 4-9-82
Judgment delivered on 5-9-82

[illegible]

[illegible] 199 - 9 - 10 [illegible]

[illegible]

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True copy

By order

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Head Moonshee

[illegible] 8/11 86

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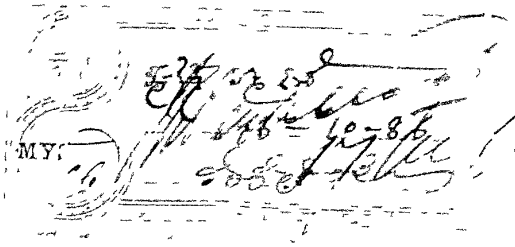
C. M. Chowdaiah



Rs 1111

Rs 86

7.6.92

Cl Nos 356 357 [illegible] of 91

In the Court of the Munsiff

Present J. Whitmarsh Knight Esqre

Plaintiff — Subramanya Appa

Defendant — Gokuldas agent of Sarvatheeja

Judgment.

1. Suit to recover Rs 302-12-9 from the defendant.

The plaint is as follows:-

1. The plaintiff [illegible] of the Revenues of the Sunkanangaon villages of Turgaroor and Basavanahally in the Limakuntha Karlipoor Talook.

(2) The defendant is the manager of the village

(3) The defendant is liable to pay to the plaintiff by the end of March of every year a sum of Rs 81-7-2 being the plaintiff's share of the Revenue of the said villages.

(4). The defendant has failed to pay to the plaintiff the said sum for the years Bhitra bhanu (1882/83) Swabhanu (1883-84), and Tarana (1884-85), Hence the suit.

(5) The plaintiff is entitled to have interest on the amount so withheld by defendant.

3. Defendant pleaded as follows:-

The Revenues for Bhitra bhanu have been

[illegible] endant is not there.

copy of judgment in O.S. Nos 356, 357 & 358 of 1886 on the file of the Mysore Munsiff's Court (Cert'd)

therefore liable for that year. defendant is willing to pay plaintiffs 1/18 share of the net Revenues of the village for the two years Swabhanu and Parama which amounts to Rs 87 and odda per year. Plaintiff was offered this sum by defendant which he declined saying he wanted at the rate of Rs 80 which he is not entitled to not liable for costs.

4. The suit came on for issues on 24th June 186. Rr Krishnaiyengar appeared for the plff and Rr Raghavachar for the defendant.

5. The following issues were settled:-

I Will plaintiff be entitled to recover any revenue for the year 'Chitrabhanu' and if so what sum?

II What sum is defendant liable for the other two years Swabhanu and Parama?

Additional issue: III Is defendant estopped by the previous judgments against him from putting in his present defence?

6. The suit came on for final hearing on 4th August, 23rd September, 24th and 30th September 186. The parties appeared as before. Plaintiff examined 2 witnesses and defendant 6.

7. The following Exhibits were filed by plaintiff.

I Exh A. A taked issued by the defendant to the Shanbogy and patail of Basavanahally.

B. A puttay shewing the collections for Chitrabhanu.

Copy of judgment in O.S. Nos 356, 357 & 358 of 1886 on the file of the Mysore Munsiff's Court (Contd)

C. A copy of a Sunnad dated 15th — (Full-moon) of Karthika of the year Kandan

D Sunnad given to K. Subbanabbar

E to J. Notices sent to the defendants by post and returned.

K. Copy of Judgment of this Court in S.C. No 32 of 1875.

L do — do O.S. 231 of 76 / Mis 30/77.

M Copy of Judgment in A.S. 95 of 77 on the file of the Judicial Assistant — Commissioner's Court Mysore.

R. do in O.S. 6 of 78 on the file of this Court.

— do in O.S. — of 80 on the file of the Seringapatam Munsiff's Court.

P. do in A.S. 91 of 80 on the file of the Sub-Judge's Court Mysore.

Q do in O.S. 358 of 80 on the file of the Seringapatam Munsiff's Court.

R do in A.S. 91 of 80 on the file of the Sub-Judge's Court Mysore.

S. do in O.S. 288/78 on the file of this Court.

T do in S.C. 98/78 do — do

U do in O.S. 497/82 on the file of the Seringapatam Munsiff's Court.

V do in O.S. 16 of 79 on the file of this Court.

W. Copy of Judgment in O.S. 142/79 on the

Copy of Judgment in O.S. Nos 356, 357 & 358 on the file of the Mysore Munsiff's Court (Continued) 86

the file of this Court.

X do in O.S. 468 of 1879 on the file of this Court

Y. do in O.S. 92 of 1881 on the file of the Munsiff of Seringapatam.

Z do in O.S. 9 of 1881 do — do.

A.(a) do in O.S. 470/81 on the file of the Seringaptam Munsiff's Court.

B.(b) do in A.S. 117 of 76 on the file of the Judicial Assistants Court Mysore.

C.(c) do (decree) in A.S. 91/80 on the file of the Sub Judge's Court Mysore.

D.(d) do in A.S. 105 of 80 on the file of the Sub-Judge's Court Mysore.

E(e) do in O.S. 9 of 80 on the file of the Munsiff Seringapatam.

F(f) do in O.S. 358 of 80 - do — do.

G.(g) do in O.S. 92 of 81. do — do.

H.(h) do in O.S. 9 of 81 — do — do.

I.(i) Copy of decree in O.S. 470/81 on the file of the Seringaptam Munsiff's Court.

II By defendant.

Exh. I Copy of Summad dated 8 11th Bhahula Palguna of the year Pramadi.

II Commissioners report.

III Abstract shewing collections of Basavanahally and etc, prepared by the Commissioner.

IV, V & VI Accounts Basavanahalli

Copy of Judgment in O.S. Nos. 356, 357 + 358 of 1884 on the file of the Mysore Munsiffs Court (Contd)

for the 3 years.

VII, VIII + IX Accounts of Surpanch for the 3 years.

X Abstract account produced by defendant.

The revenues for the year b[illegible] have been attached under a warrant issued by the Court in execution of decrees obtained by some of the Vrithidars including the plff for their share and a Receiver has been appointed by the Court for the purpose of collecting the dues and paying the decree holders. The sums thus attached were not due to the defendant personally and I think the defendant ought to have taken the necessary steps to have had the attachment raised, this the defendant Parvatabhoji and her agent Gokulacha have failed to do. I am of opinion that since the attachment was issued to satisfy claims against the defendant for previous years dues from which the defendant was personally liable, the Vrithidars will not be debarred from recovering their respective dues from the defendant, for they cannot be made to suffer for the defendant's laches. I was of opinion at first that since the Court had issued the attachment the plaintiff would not be able to recover the amount due from defendant but on further consideration I am led to conclude that the plaintiff has a good cause of action against defendant. If the order

Copy of Judgment in O.S. Nos 355, 357 & 358 of 1886
on the file of the Mysore Munsiff's Court (Contd).

order of attachment was bad in law it was the duty of the defendant to have sought to have it set aside and if she failed to do so, she must abide the result. Taking this view, I would hold that the ~~defendant~~ plaintiff is entitled to recover his 1/18 share of the Revenues for the year Chitrabhanu from defendant. The amount has now to be ~~determined~~ determined. The total amount recoverable on account of Condayem for the two villages for the above year is shewn from the Commissioner's statement III to be Rs 1057-15-6 out of this sum Rs 92-3-5 are paid to Government an account of local Cess leaving a balance of Rs 965-12-1. The expenses are shewn as Rs 267 as follows:- Rs 60 for the agent, Rs 48 for a Goomasta, Rs 60 for the shanbogs, Rs 42 for the potails Rs 36 for Peon, Rs 5 for contingencies and Rs 16 for Ramachandra Bhat & Co. With a concern so large and establishment one would expect that detailed accounts with full particulars would have been forthcoming and that there would have been no doubt left as to what the net income was; but I find this not to be the case. The statements furnished to the Commissioner appear to have been prepared after the suit was filed and the whole business of the village appears to have been managed in a most unsatisfactory manner. The men employed have done nothing in my opinion fairly to entitle them to remuneration.

copy of Judgment in O.S. Nos. 356, 357 & 358 of 1944-46 on the file of the Mysore Munsiff's Court (Camp)

and since defendant is responsible to render proper accounts to the Vrithidars, which has not been done, I would disallow the entire amount under the above heads debated against the income on account of expenses. The fixed revenue was Rs 81-7-2 but there has been a fall in this of late years and the evidence shews that a road was constructed over a portion of the lands and there is no income now derived from the Loddy. The Shanbogues who prepared the accounts swear that the account shewn is what was actually collected and the defendants advocate stated that his client was willing that a Jamabundy of the village should be made and if the income was found to be in excess of what was now given she would pay the difference. I would be decidedly to the advantage of all parties if this were done and I would recommend the defendant to do so even if the Vrithidars dont. The plaintiff is not in a position to shew that the income was anything more than what the defendant says it was and I would therefore accept the defendant's figures and allow plff Rs 53-10-5 as 1/18 share of the net income for Bhutabhanu with interest for three years on the said sum, which amounts to Rs 19-4-10 making a total of Rs 72-15-3.

For the reasons given by me on my finding on the 12th issue, the income for the Swabhanu The same, I would

Copy of Judgment in O.S. Nos 356, 357, 358 of 1886 on the file of the Imperial Munsiff's Court (contd)

would hold defendant liable for Rs 53-10-5 and the interest for two years Viz Rs 12-13-8. There is a slight increase shown in the income for the year Jamabundy which after deducting the local cess leaves Rs 967-12-0 and the 1/18 of this would be Rs 53-11-8 and the interest for one year Rs 6-6-10. The total for the two years would thus be Rs 126-10-7 and in this sum I would render the defendant liable, and if when the Jamabundy of the villages is made, it be found that plaintiff is entitled to more than what I have now decreed, I think plaintiff may fairly demand what may be found to be still due since defendant has through her advocate expressed her willingness to pay same - difference if less.

I do not find that in any of the previous Judgments it was found that plaintiff was entitled to any fixed sum as the annual revenues of the villages. This point does not appear to have been raised before and from the documents I should say that plaintiff would be entitled to only 1/18 of the net income in the annual revenues which must be expected to fluctuate. I am of opinion that the previous Judgments do not estop the defendant from putting in the defence he has in this Case.

The evidence adduced by the parties in this No 356 as well as in cases Nos 357

Copy of Judgment in O.S. Nos 356, 357 & 358 of 86
on the file of the Mysore Munsiff's Court Contd.

357 and 358 is the same and by consent
the three cases were tried together; the claim
being 1/18 of the income for the same years
in all the cases the judgment will be the
same.

In result there will be a decree for the
plaintiffs in Cases Nos 356, 357 & 358 of 86
for Rs 199-9-10 each against the defts
with proportionate costs and future inte-
rest at 6 per cent per annum.

Mysore 13th October 1886

(Signed) J. W. Knight Munsiff

Pronounced in open Court

(Signed) J. W. Knight

13.10.86.

Certified to be a true copy

Compared

Mrs

Head Munshi

Copy applied for by plff by
Mr M. A. Krishnaiengar on } 13-11-86

Do Ready for delivery on 15th Nov 86

Do delivered on — 18-11-86

Head Munshi

No. of words 2517
Copying fee 2-7-0
Comparing fee 0-8-8

Total Rs 3-15-8.

Payment receiving
Mr. Devaraya
Copy.

judgment A.S 298 of 1886.

Before the Court of the Subordinate judge Koypore.

present. C. Sreenivasaiyangar Esq—
Sub judge.

plaintiff & appellant — Defendant (Resp)
~~Subramaniappa~~. — parvate baye by her agent Gokul Dass.
Krishnamma.

1. Suit to recover Rs 302-12-9 from the defts.
2. The plaint is as follows: —
(I) The plaintiff has a right to the 1/18th share of the Revenues of the Survamanaya villages of Suragnoor and Basavanahalli in the Tirumkudal Narsipoor Talook.
(II) The deft is the manager of the villages.
(III) The deft is liable to pay the plff by the end of March of every year a sum of Rs 81-7-2 being the plff's share of the revenue of the said villages.

(IV) The deft has failed to pay him the said sum for the years, Chitrabhanu (1882-83) Swabhanu (1883-84) and Tarana (1884-85). Hence the suit.
(V) The plff is entitled to have interest on the amount withheld by deft:
3) Deft pleaded as follows: —
The Revenues for Chitrabhanu have been attached and deft is not therefore liable in respect of that year's claim. Deft is willing to pay plff's 1/18th share of net revenues of the village for the two years Swabhanu and Tarana which amounts to Rs 37 and odd a year as. plff was offered this sum by deft which he declined saying he wanted at the rate of Rs50 which he is not entitled to not liable for Costs.

The following issues were settled.
(I) Will plff be entitled to recover an rev

II In what Sum is deft liable for the other two years Swabhanu and Tarana?

III Additional Issue. Is deft estopped by the previous judgments against him from putting in his present defence?

The Munsiff of Mysore passed a decree for Rs. 199-9-10 in plff's favour.

Appellant (plff) appeals on the following grounds

I That in the previous suits the deft having been adjudged to pay Rs 80 a year on his admission that only 70 Rs were due, the burden of proving that the income for the years in suit was less lay on the deft.

II That the Lower Court having found the deft's accounts to be unsatisfactory ought to have decreed the plff's claim in full with Costs.

III That the accounts are false and were concocted after the institution of plff's Suit, they contain no details, and their accuracy is very doubtful as the accounts of the previous years which they might be compared and checked were not produced.

IV That the appointment of a Commissioner was unnecessary and useless as all that functionary did was simply to see whether the figures were correctly added up or not.

V That the report of the Commissioner cannot be adopted as he issued no notice to plff nor were the accounts examined in plff's presence.

VI That the Lower Court erred in going plff's objection Statement.

VII That the several items of expenditure shown in the accounts once objected to by plff are recent false innovations for defrauding plff and are not chargable to Vrittidars.

VIII That the deft failed to prove her pleas.

IX That the judgment of the Lower Court is opposed to the evidence on the record and the previous decisions between the same parties regarding the same inam.

The Respondent (Deft) filed the cross items

II That the Lower Court has erred in disallowing the expenses incurred in managing the Villages

7. There are 18 Vrittis in the 2 Villages in question but the powers of management rests exclusive with the deft Her ancestor who came away all the Vrittis but one which he retained for himself, reserved to himself the right to manage the Villages to make collections therein and to pay to Vrittidars what they were severally entitled to. In a.s. No 2 of 1876 on the file of the of the Ashtagram division, the deft contended in answer to a claim advanced by some of the Vrittidars that they had no right to make any collections direct, as the right was vested in the grantee of the whole Villages, and that they were only entitled to look to him for payment. This contention prevailed (See the judgment in that suit filed with the record). Nothing allowed to interfere with the management of the Villages or to make collections by Vrittidars are not in a position to know anything about the increase or decrease of the revenues of the Villages. What lands have been thrown up, what lands have been newly taken up and what old sources of income have failed, and what opened sources have come into existence, these and other matters affecting the revenue are consequently matters of which the Vrittidars cannot be expected to have any knowledge. The deft is jealous of her exclusive right to manage the Villages and to make collections. Here is that a position of trust and responsibility. The above are matters peculiarly within her knowledge The Vrittidars have a right to call upon her to pay them what they have been failed in previous years or to show by reliable accounts and trust worthy evidence that the income has diminished and that there should therefore be a reliable reduction reduction in the payments due to them. In my opinion Section [illegible] act applies to this case. The

produced. Some Statements which the Lower Ct rightly considers to have no bearing on the Suit were put in and that was all. There are in my judgment no legal evidences. At any rate they are worth next to nothing. The accounts from which they were prepared ought to have been produced but were not. The Shanbogs Sworn that the figures given in the Statements were correct but this was evidence hardly worth the name. Either the deft has been guilty of fraud Commissioners and his Management, or the accounts have been wilfully suppressed. In either case it appears to me clear that the deft must take the Consequences. In all the Suits filed in previous years each Vrithedar was held entitled to recover Rs 80 per annum. In none of them did the deft seriously contest the correctness of the demand. For the 1st time now the deft through her agent Contends that the revenue has come down considerably. She does not establish the plea by reliable evidence, oral or documentary. She has the sole management of the Vrithis. and She even resented all interference on the part of the Vrithedars. She alone is in a position to know the exact State of the affairs of the Village and of the Collections. And yet when sued for what the Vrithedars were always getting from her, She asks them to prove how much was actually collected and in default to talk what may be pleased to say was the actual revenue collected in the village. This I think she is entitled to do. In the absence of evidence in support of the deft's Contention, I must hold that Rs 80 a year which after deducting all charges was always being paid to each Vrithedar, is the amount which he is entitled to for each of the 3 years in Suit. To call upon the plff to prove the accurate collections would be to require him to do what is not possible.

revenues and [illegible] of [illegible]
years.

10. In the grounds of objections the deft urges that the Lower Court failed to take certain items of expenditure into Consideration. But I find that the deft has not proved that these are legitimate charges binding upon the Vrithedars and that the payments of Rs 8 to each Vrithedar which was being made in past years was not the first income after defraying all proper charges.

11. The deft was interdicted by an injunction of the Court from making collection in the Chitrabhanu. That attachment was ordered at the instances of the present plff and of other Vrithedars who had obtained decrees against the deft for amounts of the previous years due to them. In Consequence of this prohibition the deft has no collections in chitrabhanu. How she could Compelled to pay the plff and other Vrithedars for that year, her fear and abstention from making collections not withstanding, I fail to understand. It is true that the deft had defaulted in the matter of the payments due for previous years. But the Vrithedars should have proceeded against her person and property, and not have prevented her from making future collections. There is in my opinion no liability attaching to the deft independently of the making of collections by her. If through negligence she failed to make collections or if she failed to account to the Vrithedars for collections made by her. She would certainly be an answerable But not if she is altogether prohibited from making Collections, and that too at the instance of the persons who seek to recover from her —

Both the appeal and the grounds of objections are thus partially entitled to succeed —

In modification of the Lower Court decision, I resolve to pass a decree for the plff of Rs 100-0-0 (Principal for 2 years) and Rs 28-12-9 (Interest thereon) in Rs 188-12-9 with the proportionate

Costs in

-ployment - the Legislature ... costs
on the claim disallowed should be paid by the
Plff.

24-1-87.

(Sd) C. Srinivasa Iyengar
Sub Judge

o collect
of 1860.
5, Civil.

IN THE COURT OF the District Judge of Bellari
-gram

Application No. 99 —— of 1881.

In the matter of the estate of the late

Doddabelle Timmanachar

Amount of the debts in respect of which this certificate is granted.

Rupees 1580 — a — y Five hundred and eighty

To Krishnammah widow of the said Timmanachar, residing in the new Agrahar Ellypore.

In pursuance of the orders of this Court dated this 26th day of July 1881, this certificate is granted to you agreeably to the provisions of Act XXVII of 1860.

You are hereby authorized and empowered to demand and receive all debts payable in respect of the estate of the said Doddabelle Timmanachar giving acquittances for all sums received by you

You shall, after the expiration of 12 months from this date, and thereafter whenever required to do so, file a statement on oath of all moneys recovered or realized by you under this certificate.

GIVEN under my hand and the seal of the Court this 26th day of July —— 1881.

Asst. Dist. Judge.

Central Jail Press, Bangalore.—17—9—80—500